



STATE REPRESENTATIVE  
**Garey Bies**  
1<sup>ST</sup> ASSEMBLY DISTRICT

**Written Testimony of Representative Garey Bies  
Assembly Committee on Transportation  
Assembly Bill 492 – Inattentive Driving**

Good morning Chairman Steinbrink, committee members. Thank you for taking the time to allow me to come before you to testify on Assembly Bill 492.

I first introduced this legislation as a result of observations by law enforcement of an increase in distracted drivers upon Wisconsin's highways. With the increase of electronic devices finding their way into our cars, law enforcement wants to re-enforce the notion that as we drive our cars, our most important responsibility is the safety of our passengers, as well as the safety of drivers and passengers of other vehicles on the highways with us. This legislation will give law enforcement the ability to take action against activities that cause accidents when these activities are to the point that drivers are no longer in control of their vehicles.

With the introduction of electronic devices such as portable digital video disc players, portable video cassette recorders and portable digital devices that can handle everything from e-mail to pocket computing, it is time to update Wisconsin law to the 21st century.

Most importantly, AB 492 updates Chapter 346 to reflect the fact that television broadcasts are no longer the only type of video likely to be viewed by vehicle occupants. AB 492 updates this language in a manner to include any type of moving video image, whether broadcast or recorded. Although there is an exemption for video images that are used to assist in safely backing a vehicle.

I would like to comment briefly on how AB 492 impacts a couple of specific devices. First, cell phone use: Assembly Bill 492 specifically states that cell phone use is not prohibited so long as it is used for verbal communication.

Secondly, Global Positioning System devices are also exempt so long as the devices are somehow affixed to the vehicle so that they are stationary. Under this draft, a driver cannot hold a GPS device in his or her hand, and the GPS device cannot simply be placed on the dashboard where it can slide around or fall as the vehicle moves. It is important to note that my intention and consequently that of the legislation, is to promote the use of GPS devices in a safe manner. Therefore, if the device is mounted in ANY fashion, whether it be mounted permanently in the dash, attached to the windshield by a temporary suction-cup mount, or even on the dash with as basic a mount as a bean-bag, the GPS device conforms.

*First for Wisconsin!*

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In closing, under AB 492, drivers who use common sense behind the wheel of a vehicle will have nothing to fear of law enforcement infringing upon them. Drivers who let their actions interfere with their ability to drive safely can be assured there will be a penalty and hopefully that penalty will be a ticket, not an accident.

Once again I would like to thank you for the opportunity to appear before you on AB 492. I would be happy to answer any questions you may have.